

Overview of Module 3: Review and Approval Procedures



Today's Agenda

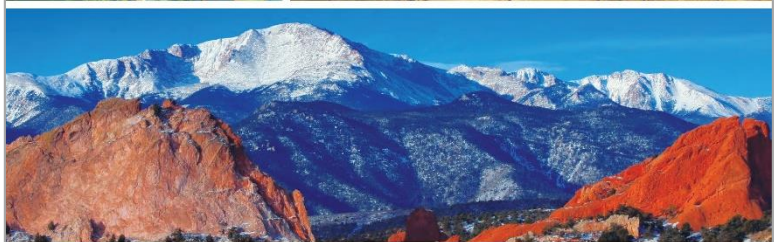
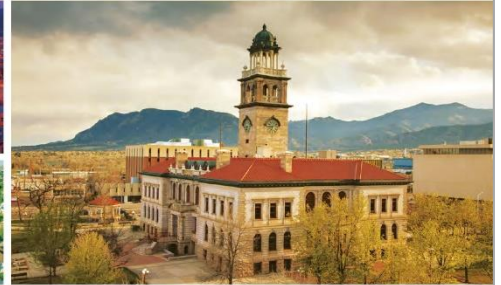


- Project overview
- Schedule update
- Review of Module 3
- Next steps
- Discussion and Q&A

Retool**COS** UNIFIED DEVELOPMENT CODE
(UDC) PROJECT


MODULE 1: DISTRICTS AND USES

MODULE 2: DEVELOPMENT & DESIGN STANDARDS

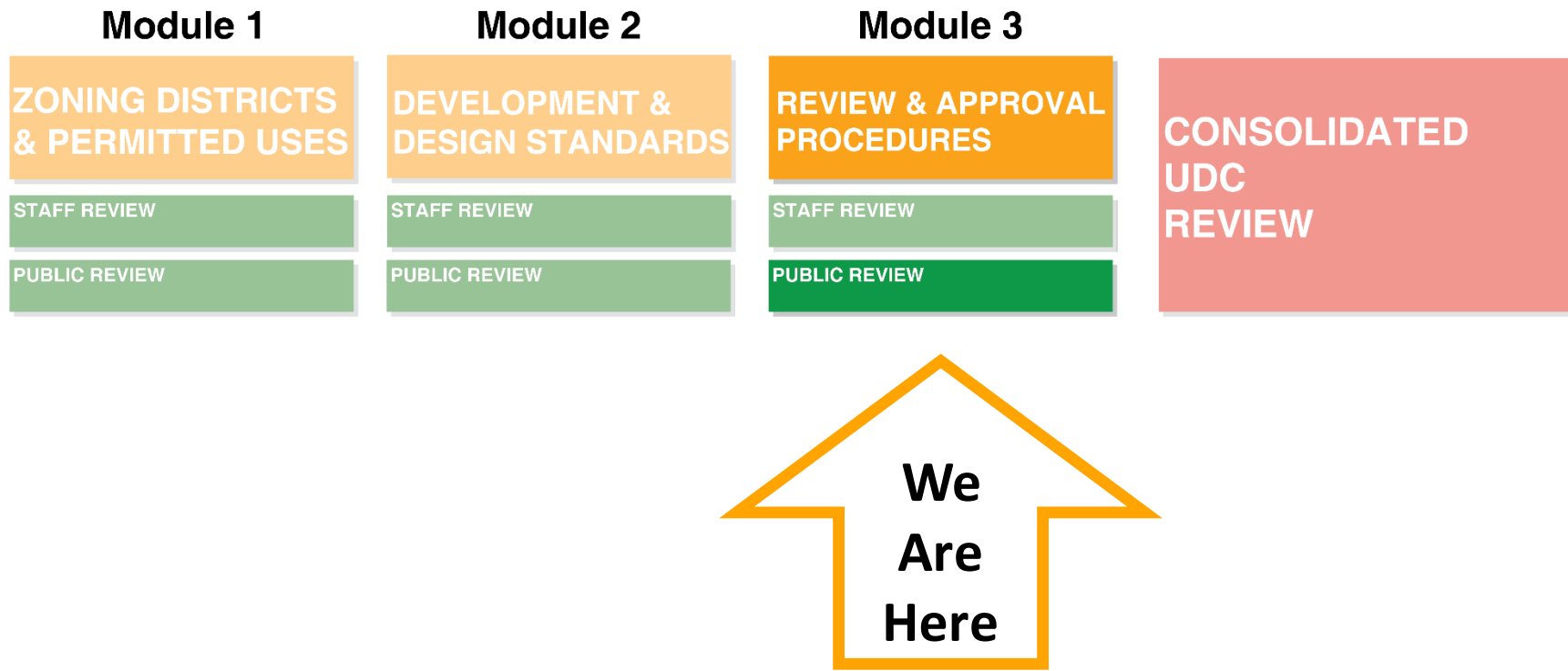
MODULE 3: REVIEW & APPROVAL PROCEDURES



PUBLIC DRAFT: JUNE 2021

**COLORADO
SPRINGS**
OLYMPIC CITY USA

Drafting Overview



UDC Organization

Article 1 General Provisions

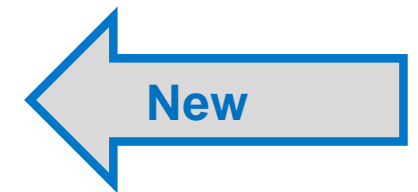
Article 2 Zone Districts

Article 3 Use Regulations

Article 4 Development Standards

Article 5 Administration and Enforcement

Article 6 Definitions



Module 3 Draft

This draft incorporates

- **New administrative and review procedures in Article 5**
- Initial changes to Modules 1 and 2 to conform with Article 5 – additional revisions will be made for Consolidated Draft
- Adds back R-4 and R-5 zone districts. R-Flex High retained as a new zone district



Footnotes

- Explain where standards came from (new or existing)
- Explain how current standards are different from standards in existing code or in prior drafts
- For informational purposes only, will be removed before UDC is adopted

⁹⁵⁶ New.

⁹⁵⁷ Carries forward and generalizes to all applications requiring a public hearing – not just requests for zone changes, conditional uses, or variances – the limitation on filing an application similar to one that was rejected, in Section 7.5.907 (Limitation on Further Application) of the existing zoning and subdivision ordinance.

⁹⁵⁸ New.

⁹⁵⁹ From Section 7.5.503 of the current zoning and subdivision ordinance, revised for clarity and with changes as noted. Current distinction between minor modifications and amendments was revised to minor/major modifications for internal consistency.

Article 5 Overview

Reorganizes and clarifies administrative procedures

Section 7.5.1: Introduction and Summary Table of Procedures

- Summarizes review and decision-making bodies that apply to each procedures
- Cross-references to relevant sections of code

7.5.509 Stormwater Permit⁹⁹⁹

A. Purpose
The purpose of this Section is to provide for review of plans to assure compliance with all stormwater requirements, policies, and procedures.

B. Applicability
The provisions of this Section apply to all construction activities within the City.

C. Stormwater Permit Process

- General**
All applicable provisions of Section 7.5.4 (General Procedures) apply unless specifically modified by the provisions of this Subsection.

Stormwater Permit Process Diagram:

```
graph TD
    A[Stormwater Permit] --> B[Application Submission]
    B --> C[Stormwater Enterprise Manager Review and Decision]
    C --> D[Appeal]
    D --> E[Appeal to Storm Drainage Board]
```

Table 7.5.1-A Summary of Development Review Procedures		R = Review and/or Recommendation D = Decision A = Appeal * = Public Hearing Required												
Procedure	Code Reference	Public Notice			Pre-Submittal Activities			Review and Decision-Making Bodies						
		Published	Mailed	Posted	Pre-Application Meeting	Land Development Technical Committee	Neighborhood Meeting	Staff / Manager	Stormwater Enterprise Manager	City Engineer	Building Official	Historic Preservation Board	Planning Commission / FBZ Review Board	City Council
Administrative Decisions														
Permits														
Building Permits and Certificates of Occupancy	7.5.502										D			
Building Permits on Unplatted Lands	7.5.503							D					A	
Minor Site Plan	7.5.504							D					A	
Temporary Use Permit	7.5.505							D					A	
Home Occupation Permit	7.5.506							D					A	
Short-Term Rental Unit Permit	7.5.507							D					A	
Grading and Erosion Control Permit	7.5.508								D				A	
Stormwater Permit	7.5.509								D					
WCF Eligible Facilities Requests	7.5.510							D						
WCF Permit	7.5.511							D					A	
Adult Use Permit	7.5.512							D					A	
Sign Permit	7.5.513							D					A	
Coordinated Sign Plan	7.5.514		✓	✓				D					A	

Article 5 Overview

Section 7.5.2: Review and Decision-Making Bodies

- Identifies roles and responsibilities for each individual and body involved in the development review process
- Reorganizes and standardizes existing regulations; no major substantive changes

7.5.202 Planning Commission⁹⁰⁰

A. Appointment, Terms, and Service

1. The Planning Commission shall consist of nine members appointed by City Council. Two of the nine members may reside out of but within three miles of the corporate limits of the City.
2. Each member shall be appointed for a term of three years. Terms of office shall be staggered so that no more than three members are scheduled to expire at the same time. Vacancies shall be filled by appointment only for the unexpired portion of a term.
3. All members shall serve without compensation but shall be paid necessary expenses incurred in the discharge of their official duties and responsibilities to the extent authorized by City Council.
4. No member of the Commission or staff shall participate in any matter before the board in which the person has a direct or indirect financial interest.

B. Meetings and Organization

1. The members of the Planning Commission shall select a chair and vice chair to serve for one year and until their successors have been selected.
2. The Commission shall meet at least once per month at a time and place they fix by resolution and may hold special meetings called at any time by the chair, vice chair, or any other member designated by the chair. Minutes shall be kept of all commission proceedings.

2. A majority of the Commission shall constitute a quorum for the transaction of business.

Article 5 Overview

Section 7.5.3: Types of Plans Related to Development Applications

- Identifies the three types of plans relevant to development applications
 - Concept Plans
 - Development Plan
 - Minor Site Plan
- Master Plan eliminated to reduce confusion about difference between Concept and Master Plans
 - Replaced by Concept Plan tailored to level of detail required by the application
 - Applications for annexations, rezoning, subdivisions of large parcels of land now require Master Plans with different levels of detail
 - Manager has discretion to modify level of required detail

Article 5 Overview

Article 7.5.4: General Procedures

- Outlines procedures that apply in most development review processes
 - Avoids repetition for each specific type of application

1. Pre-Application Meeting	10. Referral to Planning Commission
2. Neighborhood Meeting	11. General Criteria for Approval
3. Application Submission	12. Conditions on Approvals
4. Fees	13. Final Decisions
5. Determination of Application Completeness	14. Vested Rights
6. Land Development Technical Committee Review	15. Limitation on Similar Application
7. Administrative Adjustment	16. Development Agreements
8. Public Notice	17. Modification of Approved Plans and Permits
9. Meetings and Decisions	18. Appeals

Article 5 Overview

Section 7.5.4: General Procedures

Key changes

- Clarifies requirement for pre-application meeting
- Establishes general standards for neighborhood meetings
- New section on review of applications for completeness
- Establishes general standards for application review and decisions
 - To supplement specific criteria for specific types of application
 - And to cover general administrative decisions that do not have specific criteria

Article 5 Overview

Section 7.5.5: Administrative Decisions

Section 7.5.6: Decisions Requiring a Planning Commission Hearing

Section 7.5.7: Policy Decisions by City Council

- Generally carries forward existing development review procedures, with revisions for clarity
- Regulations restructured to increase clarity and improve ease-of-use
- Specific procedures modify general procedures (Section 7.5.4) as appropriate

Article 5 Overview

Modifications to Appeals procedure

- Removes availability of second round of appeals of administrative decisions to City Council to reflect best practices
- First round of appeals is to Planning Commission, FBZ Review Board, Public Works Director or Storm Drainage Board
- Further appeal is to the courts
- Appeals may be filed by “Affected Parties”. which includes
 - The applicant
 - Property owner within 500 feet
 - Neighborhood association

Article 5 Overview

Purpose statement



Applicability provisions



7.5.5. Administrative Decisions 7.5.517: Preliminary Plat

Article 7.5: Administration and Enforcement

Concept Plans and Development Plans shall not be considered construction drawings, which may alter the specific details of the plan.

Subdivision Related Procedures

7.5.517 Preliminary Plat¹⁰³⁴

A. Purpose¹⁰³⁵

The purpose of this Section is to ensure that all proposals for divisions of land to create lots for development, and all amendments to lots previously approved for development, are reviewed for consistency with the Comprehensive Plan and other plans adopted by City Council and for compliance with all applicable provisions of this UDC.

B. Applicability¹⁰³⁶

1. Approval of a Preliminary Plat is required for all proposals for divisions of land to create lots for development, and all amendments of lots previously approved for development, unless this UDC provides an exception to the procedure in this Section.
2. This process does not apply to divisions of land district where an approved Concept or Development Plan includes all of the information required in a Preliminary Plat.¹⁰³⁷
3. This process does not apply to a replat of existing platted property when
 - a. There are no structures on the property;
 - b. There are no significant physical features or topography (subject to verification during review of the replat);
 - c. The property is not located in an area subject to the provisions of the floodplain ordinance (Section 7.4.8 (Floodplains)); and
 - d. No dedicated City right-of-way proposed for vacation is included.
4. Additional exceptions to this process are found in:
 - a. Section 7.5.518 (Final Plat, Plat Modification Prior to Recording, and/or Replat);
 - b. Section 7.5.520 (Property Boundary/Lot Line Adjustment);
 - c. Section 7.5.521 (Preservation Area Boundary Adjustment);
 - d. Section 7.5.522 (Plat Restriction Modification); and
 - b. Section 7.5.523 (Waiver of Replat).
5. A Preliminary Plat may be reviewed and approved concurrently with a Final Plat.
6. A Development Plan may be used in lieu of a Preliminary Plat, if the Development Plan includes all of the information required for both the Development Plan and the Preliminary Plat.

Article 5 Overview

Review Procedure

Includes modifications to general procedures in Section 7.5.4

Flowchart

Provides general overview of application and review procedure

Post-Decision Actions and Limitations

Required post-approval steps, such as time limitations that apply (such as applying for a final plat)

Article 7.5: Administration and Enforcement

7.5.5. Administrative Decisions 7.5.517: Preliminary Plat

C. Preliminary Plat Process¹⁰³⁸

A Preliminary Plat shall be reviewed and approved administratively by the Manager and the City Engineer pursuant to the following procedures.

1. The applicant shall submit the Preliminary Plat and any related information to the Manager.¹⁰³⁹
2. The Manager shall refer the complete Preliminary Plat to other affected City departments or agencies, and to other governmental agencies as required by law, for their review and comment. If the Preliminary Plat is based on a proposed phased development, or affects land subject to an approved Concept Plan that proposes phased development, the Manager shall refer the phasing plan to all appropriate City departments involved in the provision of public services, utilities, or public improvements for review and comment.
3. The public notice requirements in Section 7.5.408 shall apply.
4. The Manager shall review and notify the applicant in writing of any required Preliminary Plat modifications.
5. Upon receipt of a Preliminary Plat containing all required revisions, the Manager may:
 - a. Refer the plat to other City departments or agencies involved in the provision of public services, utilities, or public improvements, if it is not clear to the Manager that the revised Preliminary Plat incorporates the changes required by those departments or agencies, and/ then notify the subdivider of additional required modifications; or
 - b. Approve, deny or refer the Preliminary Plat.¹⁰⁴⁰
6. A Preliminary Plat shall be approved by the Manager if it:
 - a. Is consistent with the Comprehensive Plan and other plans adopted by City Council;
 - c. Is consistent with any approved Concept Plan applicable to the property to the maximum extent practicable; and
 - b. Complies with the standards and requirements of this UDC and any other applicable City policies, standards, and ordinances, as modified by any administrative adjustments approved under Section 7.5.407.¹⁰⁴¹

Preliminary Plat

Pre-Application Meeting

Application Submittal

Public Notice

Staff/Manager Decision

Appeal

Appeal to Planning Commission

D. Post-Decision Actions and Limitations

1. If a Preliminary Plat is approved or approved with conditions, all later development approvals and permits within the Preliminary Plat area shall be consistent with the approved Preliminary Plat to the maximum extent practicable. The requirement of consistency shall include without

Article 5 Overview

Application Requirements



2. A proposal to modify an approved Concept Plan shall be reviewed and a decision made pursuant to Section 7.5.417.
3. An approved modification of a Preliminary Plat pursuant to Section 7.5.417 shall be treated as a modification of a Concept Plan affecting the same property, and no revision or resubmission of the Concept Plan shall be required, provided that the modified Development Plat or Preliminary Plat includes a clear statement that it serves as a modification of the affected Concept Plan as of the date on which the modification was approved.¹⁰⁴²
4. An approved modification of a Development Plan pursuant to Section 7.5.417 shall be treated as a modification of a Preliminary Plat affecting the same property, and no revision or resubmission of the Preliminary Plat shall be required, provided that the modified Development Plan includes a clear statement that it serves as a modification of the affected Preliminary Plat as of the date on which the modification was approved.
5. The subdivider shall submit for approval by the Manager a Final Plat or a series of Final Plats for all property contained within an approved Preliminary Plat within 48 months of the date of final approval of the Preliminary Plat. Failure to comply with this provision shall void the Preliminary Plat for that property for which a Final Plat has not been submitted, and the subdivider shall be required to submit a new Preliminary Plat in accord with the requirements of this UDC, as amended.¹⁰⁴³

E. Preliminary Plat Requirements¹⁰⁴⁴

1. Submission

In addition to complying with Section 7.5.403, the applicant shall submit the required number of Preliminary Plats indicated on the application form and shall submit proof of ownership of all land included in the Preliminary Plat, which may include a deed, title insurance policy, or Tax Assessor's statement.

2. Information Required on a Preliminary Plat

- a. Name of subdivision.
- d. An accurate and clear legal description of the subdivision with the acreage of the subdivision.
- e. Name and address of the legal property owner and/or subdivider.
- b. Name and address of the designer, surveyor, and/or engineer.
- c. Date of preparation, scale, and north point.
- d. A vicinity location map necessary to locate the tract.
- e. Existing zoning and/or proposed zoning boundary lines, including zoning of contiguous properties.
- f. Approximate location of land intended to be conveyed or reserved for public use or reserved in the deeds for the use of all property owners in the proposed subdivision.
- g. Approximate layout, dimensions, and number of lots.
- h. All adjacent public rights-of-way and improvements, including location of existing curb, pavement, gutter, and sidewalk.

Article 5 Overview

Section 7.5.8: Nonconformities

Carries forward different enforcement procedures for different types of regulations
– with revisions for clarity and consistency

Section 7.5.9: Enforcement

Section 7.5.10: Grading and Land Disturbance Enforcement

Section 7.5.11: Stormwater Enforcement

Section 7.5.12: Historic Preservation Enforcement

Section 7.5.13: Building Code Enforcement

Next Steps

1. **Late September 2021:** Consolidated Draft UDC (all three Modules) released for public review and comment
 - **September-December 2021:** Public Engagement on Consolidated Draft
2. **Late December 2021:** Final Draft UDC reflecting public comments
3. **January – April 2022:** Planning Commission review and City Council adoption hearings

Questions

Discussion

Priorities



RetoolCOS

UNIFIED DEVELOPMENT CODE (UDC) PROJECT



CLARION

Changes to Residential Zoning Districts

Current	Prior Proposal
A: Agriculture	A: Agriculture
R: Estate - Single-Family	R-E: Single-Family – Estate
R-1 9000: Single-Family	R-1 9: Single-Family – Large
R-1 6000: Single-Family	R-1 6: Single-Family - Medium
R-2: Two-Family	R- Flex Low
	R- Flex Medium
R-4: Multi-Family	R-Flex High
R-5: Multi-Family	

Changes to Residential Zoning Districts

Current Residential Districts	Retool Residential Districts Proposal
A: Agriculture	A: Agriculture
R: Estate – Single-Family	R-E: Single-Family – Estate
R-1 9000: Single-Family	R-1 9: Single-Family – Large
R-1 6000: Single-Family	R-1 6: Single-Family - Medium
R-2: Two-Family Residential	R-2: Two-Family Residential
R-4: Multi-Family (med density)	R-4: Multi-Family (med density)
R-5: Multi-Family (high density)	R-5: Multi-Family (high density)
	R-Flex Low
	R-Flex Medium
	R-Flex High

Changes to Residential Zoning Districts

1. No existing residential districts will be converted to new R-Flex Districts

- R-2 will NOT convert to R-Flex Low (**revised February 2021**)
- R-4/R-5 will NOT convert to R-Flex High (**revised April 2021**)
- R-Flex Districts intended for new development and rezoning requests

2. Some maximum building heights are under review and will be revised

- R-Flex High – will NOT be recommended at 95 feet
- MX-L: Mixed-Use Large Scale – will NOT be recommended at 90 feet

3. Staff continues to review possible adjustments to dimensional standards for existing residential districts

- In order to reduce frequent need for variances for typical decks and patios, etc.

R-Flex Districts

All R-Flex Districts Allow:

- Variety of housing types throughout development with a mix of lot sizes
- New: Additional density available with “Housing Mix” incentive

R-Flex Low –New district – no land mapped

- Average density: 6 du/acre, up to 11 du/acre with Housing Mix Incentive

R-Flex Medium – New district – no land mapped

- Average density: 12 du/acre, up to 16 du/acre with Housing Mix Incentive

R-Flex High – New district – no land mapped

- Average density: 25 du/acre, up to 35 du/acre with Housing Mix incentive

Housing Mix Incentive

Additional density available if no more than 80 percent of dwelling units are of one of the following types:

Single-Family Detached

Two-Family, Three-Family, Four-Family, or Townhouses

Multi-family dwellings and other residential uses*

Residential uses where parking is not individually accessed from street in front of unit

Permitted residential use on lot larger than 40 feet in width

* R-Flex
Medium and
High only

More Changes to Use Regulations

- **Innovative Housing**

- Two-family on Two Lots: Allowed in R-2 and up
 - Use exists today, but is redefined for clarity
- New Uses – Stacked Townhouse
 - Allowed in R-Flex districts

- **Continuing Discussions**

- Updates and notes on ongoing discussions and likely changes to Airport Planned Development and Overlay districts



Development Standards

7.4.1	Applicability	7.4.8	Floodplains
7.4.2	Dimensional Standards	7.4.9	Landscaping and Open Space
7.4.3	Subdivision Standards	7.4.10	Parking and Loading
7.4.4	Access and Connectivity	7.4.11	Building Design and Site Features
7.4.5	Geological Hazards	7.4.12	Exterior Lighting
7.4.6	Grading and Erosion Control	7.4.13	Signs*
7.4.7	Stormwater	7.4.14	Building Codes*

* No significant substantive changes from current zoning ordinance

Key Changes to Development Standards

7.4.2 Dimensional Standards

- Include R-2 standards with minor changes to setbacks
- A and R-E maximum height increased to 35 ft from 30 ft.
- R-Flex: Refinements to density standards
- R-Flex Low: Revised dimensional requirements based on lot size
- Housing Mix Incentive for R-Flex districts

7.4.3 Subdivision Standards

- Technical changes, including some requested by Stormwater Enterprise and included in recently adopted ordinances

Key Changes to Development Standards

7.4.3 Subdivision Standards

- Technical changes, including some requested by Stormwater Enterprise and included in recently adopted ordinances

7.4.4 Access and Connectivity

- Refinements to language regarding ADA and Life Safety requirements

7.4.5 Geological Hazards

7.4.6 Grading and Erosion Control

7.4.7 Stormwater

- Numerous technical changes
- Numerous changes for consistency with current practice
- Incorporates recent Ordinances updating stormwater regulations



Key Changes to Development Standards

7.4.9 Landscaping and Open Space

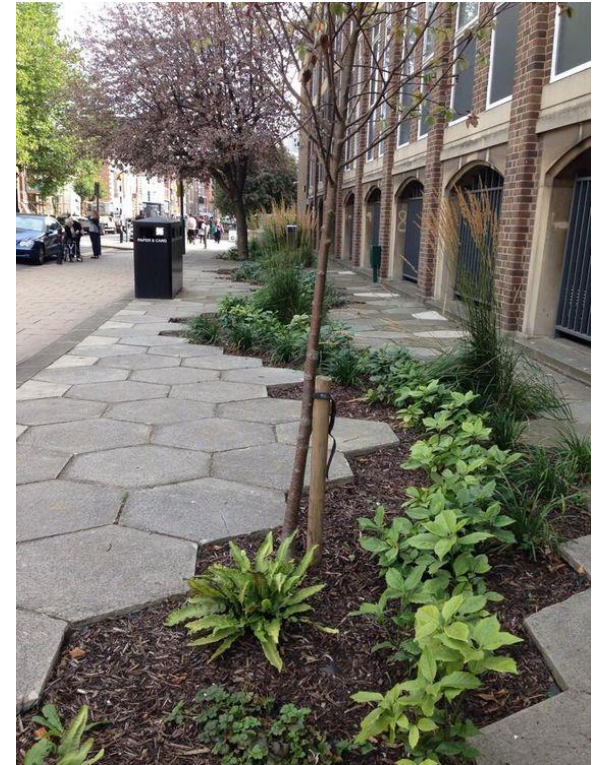
- Threshold for compliance returned to current 50% or more of a building (prior recommendation of 25% threshold deleted)

7.4.10 Parking and Loading

- Reduced minimum parking requirements for affordable housing development

7.4.12 Exterior Lighting

- Standards now apply to redevelopment of 50% or more of a building, up from 25% proposed in prior drafts and consistent with landscaping standards



Equity

Several new UDO standards were developed to increase economic opportunity for lower- and moderate-income households, and to increase flexibility for small businesses

- New R-Flex zones allow for smaller, more affordable homes
- Incentives for mixed housing types encourage a broader mix of incomes within new developments
- Moderate changes to residential setback and lot coverage standards to accommodate minor additions to accommodate growing families
- Broader, more flexible land use categories allow small businesses to adjust to market pressures more easily
- Moderate reductions in parking minimums simplify reuse of older buildings,
- Significant reduction for deed-restricted affordable housing